

PATENT APPLICATION

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) Examiner: Not Yet Assigned
) Group Art Unit: 1633

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)
) October 29, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. Please issue a new Official Filing Receipt to reflect the correct information, as follows:

Independent Claims: 4
SMALL ENTITY STATUS
THIS APPLN IS A CONTINUATION-IN-PART OF APPLN. NO.09/037,524

Serial Number: 09/392,476
Atty. Docket: 1039.2500CIP



The correct total of independent claims should have been --4--, not "3". This application now claims small entity status. Applicant is separately filing a Request for Refund and Submission of Small Entity Declaration. Hence, the correct small entity filing fee is \$509.00.

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. The unsigned Combined Declaration and Power of Attorney for Patent Application, (as well as the transmittal cover sheet) filed on September 9, 1999 correctly stated that this application was a Continuation-In-Part of Appln. No. 09/037,524 (copy attached).

Hence, no fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachments: Official Filing Receipt; Combined Declaration and Power of Attorney;
37 CFR 1.53(b)
FITZPATRICK, CELLA, HARPER & SCINTO

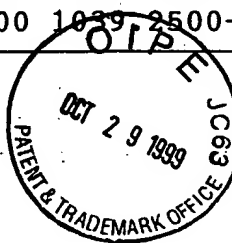
FILING RECEIPT

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/392,476	09/09/99	1633	\$940.00	1039-2500-CI	10	30	3

005514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) THERESA C. WHITE, OTTAWA, CANADA; SYLVIA MCHUGH,
GLOUCESTER, CANADA; CHRISTOPHER D. HINDLE, GLOUCESTER,
CANADA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/27/99

TITLE

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

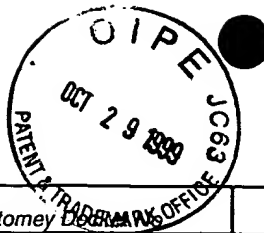
PRELIMINARY CLASS: 435

COPY

DATA ENTRY BY: HARRISON, BRUCE

TEAM: 06 DATE: 09/27/99

(See reverse for new important information)



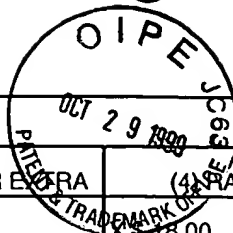
UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Designation	1039.2500 CIP	Total Pages	83
	First Named Inventor or Application Identifier			
	Theresa C. White			
	Express Mail Label No.			

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Specification + Abstract Total Pages <input type="text" value="63"/> Claims Total Pages <input type="text" value="3"/></p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) Total Sheet(s) <input type="text" value="10"/></p> <p>4. <input checked="" type="checkbox"/> Oath and Declaration (Combined) Total Pages <input type="text" value="3"/> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Unexecuted for information purposes c. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> <i>[Note Box 5 below]</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed Statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>5. <input type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i> The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p> <p>6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i></p> <p>7. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies</p>	
ACCOMPANYING APPLICATION PARTS	
<p>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></p> <p>10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application Status still proper and desired</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Other: _____</p>	

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No. <u>09 /037,524</u>
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18. CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label		05514 (Insert Customer No. or Attach bar code label here)		or <input checked="" type="checkbox"/> Correspondence address below	
NAME	FITZPATRICK, CELLA, HARPER & SCINTO				
Address	30 Rockefeller Plaza, 38 th Floor				
City	New York	State	New York	Zip Code	10112-3801
Country	U.S.A.	Telephone	212-218-2100	Fax	212-218-2200



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	30-20 =	10	X \$ 78.00 =	\$ 180.00
	INDEPENDENT CLAIMS (37 cfr 1.16(b))	4-3 =	1	X \$ 78.00 =	\$ 78.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$ -0-
				BASIC FEE (37 CFR 1.16(a))	\$ 760.00
			Total of above Calculations = \$ 1018.00		
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$
	TOTAL =				\$ 1018.00

19. Small entity status


- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☒ Is no longer claimed.

20. ☒ A check in the amount of \$ 1018.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Warren E.. Olsen, Reg. No. 27,290
SIGNATURE	
DATE	September 9, 1999



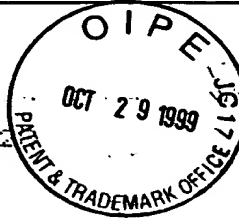
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/392,476 09/09/99 WHITE

005514 0262/092
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112



1039.2500-CI

NOT ASSIGNED 11/25/99

1633

DATE MAILED:

09/28/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.
\$ _____ for _____ independent claims over 3.
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

MARRISON T-C

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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0300
11-12-99

Appln. No.: 09/392,476
Atty. Docket: 1039.2500 CIP

1039.2500 CIP



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE
SYLVIA McHUGH
CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

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) Examiner: Not Yet Assigned
) Group Art Unit: 1633
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) October 29, 1999
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Assistant Commissioner for Patents
Washington, D.C. 20231

**ATTENTION: APPLICATION PROCESSING DIVISION
SPECIAL PROCESSING AND CORRESPONDENCE
BRANCH**

COMPLETION OF FILING

Sir:

Enclosed herewith is a copy of the September 28, 1999 Notice to File Missing
Parts Application - Filing Date Granted; a check for the \$65.00 Small Entity surcharge; and

an executed Declaration and Power of Attorney. A Small Entity Declaration is being submitted concurrently together with a Request for Refund (copy attached).

Any deficiency in or overpayment of these fees should be charged or credited to Deposit Account No. 01-1205. *A duplicate copy of this sheet is enclosed.* Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachments: Check for \$65.00
Request for Refund and Submission of Small Entity Declaration (copy)
Form PTO-1533

FITZPATRICK, CELLA, HARPER & SCINTO
Customer No.: 05514
30 Rockefeller Plaza, 38th Floor
New York, New York 10112-3801
Facsimile: (212) 218-2200

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SECTOR

Serial Number: 09/392,476
Atty. Docket: 1039.2500CIP

1039.2500CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE



) Examiner: Not Yet Assigned

) Group Art Unit: 1633

Appln. No.: 09/392,476

Filed: September 9, 1999

For: ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI

) October 29, 1999

ATTN.: HAJA COLE

Refund Section

Crystal Park 1, Room 307

Assistant Commissioner for Patents

Adjustment date 11/10/1999 LWSHNG 00000026 09392476 20231
09/21/1999 SCARNICH 00000029 09392476
01 FC:101 -760.00 OP
02 FC:103 -180.00 OP

REQUEST FOR REFUND AND SUBMISSION OF SMALL ENTITY
DECLARATION

Sir:

11/10/1999 LWSHNG 00000026 09392476 The above-identified application was filed informally, under Rule 1.53(b)

01 FC:201 380.00 OP
02 FC:203 380.00 OP on September 9, 1999. A Small Entity status was not requested in the papers, and a

check for the large entity fee of \$1018.00 was paid at that time. This application is

Repln. Ref: 11/10/1999 LWSHNG 0011013200
DAH:061205 Presently, this is a Continuation-In-Part of Application No. 09/037.524, which was a small
FC: 704 \$470.00 CR

entity.

Applicant now submits herein a new Small Entity Declaration under 37 CFR 1.27. The correct small entity filing fee is \$509.00 under 37 CFR 1.16. Please issue a refund of the \$509.00 overpayment of the filing fee, to Deposit Account No. 06-1205.

No fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachment: Small Entity Declaration

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514
30 Rockefeller Plaza, 38th Floor
New York, NY 10112-3801

C:\WEO\1039\2500CIP-REQRef-SE-10-99